

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JOSHUA BRITT

Defendant.

8:19-CR-28

ORDER

This matter comes before the Court on Defendant's Motion to Appoint an Attorney. [Filing 145](#). For the reasons stated below, this request is denied.

I. BACKGROUND

Defendant plead guilty to one count of a Superseding Indictment charging him with robbery in violation of the Hobbs Act. Filing 107. This Court ordered Defendant to serve a sentence of 135 months' incarceration, serve three years of supervised release, and pay a \$100 special assessment. [Filing 136](#). Defendant now asks this Court for an attorney to advise him on his options. [Filing 145](#).

II. ANALYSIS

Defendant's Motion fails to specify what specific relief he is seeking that necessitates the assistance of an attorney. Liberally construed, Defendant's motion could be viewed as motion filed under 28 U.S.C. § 2255. However, Defendant fails to comport with the requirements for filing a § 2255 motion. *See* Rule 2 of the Rule Governing Section 2255 Cases. In short, Defendant may be entitled to the appointment of an attorney to assist in postconviction proceedings, but he is not allowed to request counsel to consult with on an open-ended basis.

III. CONCLUSION

For the forgoing reasons, Defendant's Motion to Appoint Counsel is denied. This order does not prevent Defendant to later file an appropriate motion if Defendant has appropriate grounds to do so.

IT IS ORDERED:

1. Defendant's Motion to Appoint Counsel ([Filing 145](#)) is denied;
2. The Clerk's Office shall mail a copy of this Order to the Defendant at his current address.

Dated this 9th day of July, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge